

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
MGM-SDTX
FILED

JAN 03 2024 AT

Nathan Ochsner, Clerk
Laredo Division

UNITED STATES OF AMERICA

v.

HOMERO TOVAR

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CRIMINAL NO. 5:23-cr-575

NOTICE OF PLEA AGREEMENT

COMES NOW the United States of America, hereinafter referred to as "the Government," by and through its United States Attorney for the Southern District of Texas and the undersigned Assistant United States Attorney, and would respectfully show the Court that the Government and the Defendant have entered into the following plea agreement:

1. Defendant agrees to:
 - a. plead guilty to Count 1 of the Indictment;
 - b. waive the right to appeal or "collaterally attack" the conviction and sentence after the judgment of conviction has become final, pursuant to Title 28, United States Code, Section 1291, Title 18, United States Code, Section 3742, and Title 28, United States Code, Section 2255, except that the Defendant does not waive those rights with respect to claims of ineffective assistance of counsel;
 - c. make a judicial confession to the crime charged and sign a stipulation of factual statements all contained in a contemporaneously filed or previously filed "Stipulation of Fact".
 - d. to waive any and all interest in firearms, machine guns, and ammunition and to the judicial or administrative forfeiture of those assets seized in connection with the case, including but not limited to: Glock Model 22, Serial Number CMK798, .40 caliber pistol with Glock switch, large capacity magazine, and ammunition. Defendant agrees to waive any and all procedural notice requirements for forfeiture.
2. The Government:
 - a. will move to dismiss any remaining counts of the Indictment at the time of sentencing;
 - b. if the Court determines that Defendant qualifies for an adjustment under Section 3E1.1(a) of the United States Sentencing Guidelines, and the

offense level prior to operation of Section 3E1.1(a) is 16 or greater, will move under Section 3E1.1(b) for an additional one-level reduction because Defendant timely notified authorities of his or her intent to plead guilty, thereby permitting the United States to avoid preparing for trial and permitting the United States and the Court to allocate their resources more efficiently.

If the Defendant is not a citizen of the United States of America, a plea of guilty may result in removal from the United States, denial of citizenship and denial of admission to the United States in the future. If the Defendant is a naturalized United States citizen, a plea of guilty may result in denaturalization.

This document states the complete and only Plea Agreement between the United States of America and the Defendant, and is binding only on the parties to this Agreement, and it supersedes all prior understandings, if any, whether written or oral, and cannot be modified other than in writing and signed by all parties or on the record in Court. No other promises or inducements have been or will be made to the Defendant in connection with this case, nor have any promises or threats been made in connection with this plea.

ACKNOWLEDGMENTS:

I have read this agreement and carefully reviewed every part of it with my attorney. If I have difficulty understanding the English language, I have had a person fluent in the Spanish language interpret this agreement to me.

Date: 1/3/24

Defendant: [Signature]

I am the Defendant's counsel. I have carefully reviewed every part of this agreement with the Defendant. I certify that this agreement has been translated to my client by a person fluent in the Spanish language if my client is unable to read or has difficulty understanding the English language.

Date: 1/3/24

[Signature]
R. Balli
Counsel for Defense

For the United States of America:

ALAMDAR S. HAMDANI
United States Attorney

[Signature]
Steven Chamberlin
Assistant United States Attorney